

MEMO ENDORSED



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June 23, 2008

BY FACSIMILE AT (212) 805-7927

Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Endorsement

The defendants' motion is due on July 21, 2008. The plaintiff's answer is due August 4, 2008 and the defendants' reply is due August 11, 2008. No further extensions will be granted. So Ordered. *Naomi Reice Buchwald* 7/9/08

Re: Innocent v. City of New York, et al., 07 CV 4795 (NRB)

Dear Judge Buchwald:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendants City of New York and the New York City Police Department in the above-referenced action brought pursuant to 42 U.S.C. § 1983. I write to request that the Court set a date for plaintiff to produce the transcript of the deposition of New York City Police Officer Brian Moore, which was conducted on May 6, 2008. I ask also that the Court allow defendants to submit their papers in support of their motion for summary judgment ten business days after receiving the transcript.

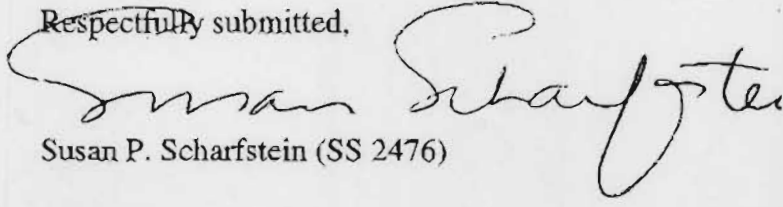
As the Court is aware, at the conference held on May 13, 2008, a briefing scheduling was set for defendants' motion, based on which moving papers were to be served on or before June 26, 2008, opposition papers were to be served on or before July 10, 2008, and reply papers were to be served on or before July 17, 2008. At that time, we expected that the transcripts of depositions conducted in early May would be available by early June at the latest. On June 17, 2008, I wrote to plaintiff's counsel to request that he produce the transcript of the officer's deposition (copy of June 17 letter annexed hereto). I also followed up by leaving a telephone message at his office on June 20, 2008. I believe that he may be unavailable, as I have not yet received a response.

As defendants believe that it is necessary to review the transcript of the officer's deposition in connection with preparing their motion papers, we respectfully request that the Court grant this brief adjournment of the schedule for submitting the motion papers.

Additionally, as I have a number of previously-scheduled work commitments over the next several weeks, I believe that this time will be necessary to review the transcript and prepare defendants' papers. Accordingly, defendants propose that the Court revise the briefing schedule in keeping with this request.

Thank you for your consideration herein.

Respectfully submitted,


Susan P. Scharfstein (SS 2476)

cc: Gregory Preston, Esq.
Preston Wilkins & Martin
65 Broadway, Suite 508
New York, NY 10006
(by facsimile at (212) 898-9034)



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June 17, 2008

BY HAND

Gregory Preston, Esq.
Preston Wilkins & Martin
65 Broadway, Suite 508
New York, NY 10006

Re: Innocent v. City of New York, et al., 07 CV 4795 (NRB)

Dear Mr. Preston:

Enclosed is the original transcript of the deposition of plaintiff Jimmy Innocent conducted on May 8, 2008, in this matter. Please arrange for your client to review and execute the enclosed original transcript before a notary public and return it to me within thirty days in keeping with the Federal Rules.

We are awaiting from you the transcript of the May 6, 2008 deposition of Police Officer Brian Moore. We would like to review the transcript in connection with preparing defendants' motion papers, which are to be served and submitted to the Court on or before June 26, 2008, based on the briefing schedule set by the Court during the last conference. As I have not yet received the transcript, I ask that you produce it immediately.

Thank you for your cooperation with the above.

Sincerely,


Susan P. Scharfstein